IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

-

WRIT PETITION NO : 14700 of 2005

Between:

K.Kondaiah, s/o Kishtaiah, AP Tribal Welfare Residential Junior College, Narnoor, r/o Narnoor Village & Mandal, Adilabad District.

..... PETITIONER

AND

1. The AP Tribal Welfare Residential Educational Socielty, rep., by its Chairman, Tribal Sankshema Bhavan, Masab Tank, Hyderabad.

2. The Joint Secretary, A.P.Tribal Welfare Residential Educational Society, Tribal Sankshema Bhavan, Masab Tank, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more in the nature of writ of mandamus declaring the action of the respondents in not considering and disposing the representation dated 2-7-2005 and keeping the post of Junior Lecturer in A.P.T.W.R.Junior College, Balanagar vacant for an incumbent who is yet to get promotion as Junior Lecturer and not posting the petitioner on transfer as per the guidelines contained in GO Ms.No.144, dated 7-6-2005 as being illegal, arbitrary, violative of principles of natural justice, besides Articles 14 and 16 of the Constitution of India, and consequently direct the respondents to consider the case of the petitioner for transfer to A.P.T.W.R.Junior College, Balanagar Mandal of Mahabubnagar District.

Counsel for the Petitioner: MR.M.A.ASHFAQ MOHIUDDIN

Counsel for the Respondents: MR.CHANDRAIAH SUNKARA

The Court at the admission stage made the following:

ORDER:

This writ petition is filed aggrieved by the action of the second respondent in proposing to transfer the petitioner to Narsapur.

According to the petitioner, there is an existing vacancy in A.P.T.W.R., Junior College at Balanagar. However, as the said vacancy was not shown, he was unable to opt for the same and he was forced to opt for Narsapur Junior College. Thereafter, when he came to know about the availability of the said vacancy, he made a representation on 02.07.2005. However, the respondents did not consider the same. Hence, he has come up with the present writ petition.

Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents.

As, admittedly, there is a vacancy in A.P.T.W.R., Junior College at Balanagar, the petitioner is directed to make a representation to the first respondent within a period of one week from the date of receipt of a copy of this order. If there is a vacancy at Balanagar, the first respondent is directed to consider the claim of the petitioner for transferring him to Balanagar instead of Narsapur and pass appropriate orders before effecting transfer of the petitioner to any other place.

The writ petition is accordingly disposed of. No costs.

11.07.2005

Note: Issue CC by today itself.

(b/o)

VGB

To

1. The Chairman, AP Tribal Welfare Residential Educational Socielty, Tribal Sankshema Bhavan, Masab Tank, Hyderabad.

2. The Joint Secretary, A.P.Tribal Welfare Residential Educational Society, Tribal Sankshema Bhavan, Masab Tank, Hyderabad.

3. 2CD copies.